

04-1203 UNITED STATES V. GEORGIA, ET AL.

DECISION BELOW: UNPUBLISHED

QUESTION PRESENTED

Whether Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. 12131 to 12165, is a proper exercise of Congress's power under Section 5 of the Fourteenth Amendment, as applied to the administration of prison systems.

Cert. Granted 5/16/05
Consolidated with 04-1236 for one hour of oral argument.

04-1236 GOODMAN V. GEORGIA, ET AL.

DECISION BELOW: UNPUBLISHED

QUESTION PRESENTED

Whether, and to what extent, Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, validly abrogates state sovereign immunity for suits by prisoners with disabilities challenging discrimination by state-operated prisons, a question on which the courts of appeals are in conflict.

Cert. Granted 5/16/05
Consolidated with 04-1203 for one hour of oral argument.